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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES EARL JACKSON,

Defendant - Appellant.

No. 08-30036

D.C. No. CR-07-00095-SEH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted December 17, 2008^{**}

Before: GOODWIN, TROTT, and RYMER, Circuit Judges.

Charles Earl Jackson appeals from the 120-month sentence imposed following his guilty-plea conviction for assault with a dangerous weapon, in

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 18 U.S.C. §§ 113(a)(3) and 1153. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Jackson contends that the district court erred by applying a two-level vulnerable victim sentencing enhancement because it placed too much weight on the victim's age. We conclude that the district court properly applied the vulnerable victim enhancement. *See United States v. Weischedel*, 201 F.3d 1250, 1253-55 (9th Cir. 2000).

Jackson also contends that his sentence is procedurally unreasonable because the district court did not consider mitigating factors and that his sentence is substantively unreasonable because it is greater than necessary. We conclude that the district court did not commit procedural error, and that the sentence is substantively reasonable. *See United States v. Stoterau*, 524 F.3d 988, 999-1002 (9th Cir. 2008).

AFFIRMED.